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INTELLECTUAL PROPERTY LAW**FACSIMILE TRANSMITTAL SHEET**

TO: Examiner Andy Ho	FROM: Thomas L. Evans
COMPANY: U.S.P.T.O.	DATE: September 20, 2005
FAX NUMBER: 571-273-8300	TOTAL NO. OF PAGES: 7
RE: U.S. Serial No. 09/625,989	OUR REFERENCE NO.: 005156.00011

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NAME: Lesa Wolman	PHONE: 503-425-6800
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Request for Reconsideration (3 pages)
Notice of Appeal (1 page)
Petition for Extension of Time (1 page)

Serial No. 09/625,989
Attorney Docket No. 005156.00011

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Respectfully submitted,

By: 
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005156.00011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy Joel BROWN

U.S. Pat. App. No.: 09/625,989

Filed: July 26, 2003

Examiner Andy Ho

Group Art Unit: 2126

For: A METHOD FOR USING A FLOATING PALLET FOR A DIGITAL ASSET
MANAGEMENT SYSTEM IN A PLURALITY OF DIFFERENT APPLICATIONS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450,
Alexandria, 22313-1450

Sir:

Applicant respectfully asks for reconsideration of both the above-identified application and the Office Action dated April 20, 2005. A response to this Office Action was due by July 20, 2005. Accordingly, Applicant is concurrently submitting a Petition for a two month extension of time, along with a Notice Of Appeal. The Commissioner is authorized to charge the small-entity Petition and Notice fees of \$475, together with any other fees that may be necessary to maintain the pendency of this application, including any fees under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 19-0733. Please consider this Request as timely filed.

Applicant gratefully acknowledges the telephonic interview granted by the Examiner on August 24, 2005. This Request is presented in accordance with the substance of that interview.

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In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. §103 over U.S. Patent No. 5,864,338 to Austin in view of U.S. Patent No. 6,519,594 to Li. Applicant respectfully traverses this rejection, and courteously asks for its reconsideration.

Claims 1-10 recite a method of using a digital asset management system with a plurality of client applications that includes creating a floating pallet. As further recited in these claims, the floating pallet allows a user to identify a digital asset managed by the digital asset management system, and transfer the identified digital asset to a client application selected from the plurality of different client applications using the interface provided by the interface application. These claims also recite that the floating pallet uses the properties and behaviors of the selected client application.

In accordance with the telephonic interview of August 24, 2005, Applicant again respectfully submits that the Austin patent does not teach or suggest such a floating pallet. In making this rejection, the Examiner relied upon the data access node described in the Austin patent at, e.g., column 5, lines 33-54, to support the rejection of claims 1-10. Applicant respectfully submits that the data access node disclosed in the Austin patent does not teach or suggest the floating pallet recited in claims 1-10. As discussed in detail during the telephonic a floating pallet (or palette) has a specific meaning in the art. More particularly, a floating pallet is a user interface window that remains visible or "floats" above other window even when the pallet does not have focus. The data access node, on the other hand, is simply a graphical icon that triggers another application's access to a specified data source. More particularly, the data access node does not provide a user interface anything like the floating pallet recited in claims 1-10. Instead, the data access node is simply a marker that can be placed by a user in a graphical user interface as part of a programming operation. When the graphical user interface is then processed by another application, that application recognizes the data access

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node to be an instruction to access a data source identified by the data access node (using, e.g., a URL).

Accordingly, Applicant again respectfully submits that the Austin patent does not teach or suggest the floating pallet recited in claims 1-10. Applicant further submits that the Li patent does not remedy this omission of the Austin patent. It is therefore submitted that no combination of the Austin and Li patents would teach or suggest the invention recited in claims 1-10. Applicant therefore asks that the rejection of these claims over the combination of the Austin and Li patents be withdrawn.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By:



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September 20, 2005